PETITION FOR ZONING VARIANCE W/S Zion Road, 293' N of the c/l of Clyde Avenue

* DEPUTY ZONING COMMISSIONER (2420 Zion Road) * OF BALTIMORE COUNTY 13th Election District

* BEFORE THE

* Case No. 89-96-A

James R. Cave, et ux Petitioners

1st Councilmanic District

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 7 feet for a proposed porch enclosure, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by Mr. Cave, appeared and testified. Also appearing on behalf of the Petition was Mr. Rick Tice with Patio Enclosures, Inc. There were no Protestants.

Testimony indicated that the subject property, known as 2420 Zion Road, is zoned D.R. 5.5 and is currently improved with a one-story concrete and frame dwelling. Mr. Cave testified that his family has resided in the existing dwelling a little over a year. Petitioners propose constructing an addition on the side of the house to provide needed additional habitable space. The proposed addition will be 9 and 1/2 feet wide by 39 feet in length, of which 9 and 1/2 by 14 feet in the rear will be an enclosed sitting room. Mr. Cave testified he spoke to his neighbors, including the adjoining neighbor on the side of the dwelling where the proposed addition will be placed, who indicated they had no objection. Testimony indicated that after construction of the addition, there will be a distance of approximately 12 to 13 feet between the Petitioners' and their adjoining neighbor's home. Testimony further indicated that due to the unique characteristics of the subject property, the proposed addition

LEGAL DESCRIPTION OF PROPERTY

In the 13th District.

Beginning on the West side of Zion Road at the distance

of 293 feet North of the centerline of Clyde Ave.

Being Lot no# 151, in the subdivision of Highland.

Book GLB 19, Folio 13. Also known as 2420 Zion Rd.

cannot be placed in such a manner that no variances would be required.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of September, 1988 that the Petition for Zoning Variance to permit a side yard setback of 2 feet in lieu of the required 7 feet for a proposed porch enclosure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> A Nustanuin ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs

Petition for Zoning Variance
Case number: 89-98-A
W/S Zion Road, 233' N
of of Clyde Avenue
(2420 Zion Road)
13th Election District
1st Councilmanic
Petitioner(s):
James R. Cave, et ux
Hearing Date: Thursday

Hearing Date: Thursday, Sept. 8, 1988 at 3:00 p.m.

Variance to permit a side yard setback of 2 feet in lieu of the required 7 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuence of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. POBERT HAINES
Zoning Commissioner of
Battimore County
8/183 Aug. 18

THE JEFFERSONIAN,

Rig m18873

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed

89-96-A CERTIFICATE OF POSTING YOUR DEPARTMENT OF BALTIMORE COUNTY

Posted for: James R. Care, et et

Location of property: W/S Zion Rd., 293' n of C/L Clyde Brenue

Location of Signs: In Rd.)

Location of Signs: In fronti of 2420 Zion Rd.

Date of return August 24, 1988

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

September 16. 1988



Dennis F. Rasmussen
County Executive

2420 Zion Road Lansdowne, Maryland 21227 RE: PETITION FOR ZONING VARIANCE W/S Zion Road, 293' N of the c/l of Clyde Avenue (2420 Zion Road)

13th Election District - 1st Councilmanic District James R. Cave, et ux - Petitioners Case No. 89-96-A

Dear Mr. & Mrs. Cave:

Mr. & Mrs. James R. Cave

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

very truly yours,

A M Neskunne ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

AMN:bjs cc: People's Counsel

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

Mr. & Mrs. James R. Cave 2420 Zion Road Lansdowne, Maryland 21227

Petition for Zoning Variance CASE NUMBER: 89-96-A

W/S Zion Road, 293' N c/l of Clyde Avenue (2420 Zion Road) 13th Election District - 1st Councilmanic Petitioner(s): James R. Cave, et ux

HEARING SCHEDULED: THURSDAY, SEPTEMBER 8, 1988 at 3:00 p.m.

Dear Mr. & Mrs. Cave:

_ is due for advertising and posting of Please be advised that _____ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: File

PETITION FOR ZONING WARRANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.B (III.C.3. "A" Residence) To permit a side yard setback of 2' in lieu of the

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

required 7'

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns. Insulate and reduce heating bills.

Reduce outside noise. 4.) A place to sit out and not be concerned with the weather, bugs; mosquitoes, flys, etc.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of

VALIDATION OR SIGNATURE OF	B B 125************************************	TOR THE STATE OF T	PROM:	AMOUNT S	DATE THE ACCOUNT	BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT		under the penalties		/we
CASHIER	# **	4		<u>7</u>	1-11	No.		_2420_Zion_RdAddress	Phone No	
				7		У		Lansdowne, Md. 21 City and State	.227	
						262		Name, address and phone n tract purchaser or represen		
						8		Patio_Enclosures, Name	inc	
3 1	7.	Attorne				ing Commit		224 8th Ave., N. Address Glen Burni Baltimore County, this	Phone No e, Md. 21061	

of _______, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the Sth day of Stanten, 19-88, at 3. o'clock

AVAILABLE FOR HEARING

AVAILABLE FOR HEARING

HON./TUBLE, HID. - NEXT TWO MOUTHS

OTHER →16R. Zoning Commissioner of Baltimore County.

REVIEWED LY: MJK DATE 7/7/66

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

July 22, 1988

NOTICE OF HEARING



Dennis F. Rasmussen The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111

Petition for Zoning Variance CASE NUMBER: 89-96-A W/S Zion Road, 2931 N c/l of Clyde Avenue (2420 Zion Road) 13th Election District - 1st Councilmanic Petitioner(s): James R. Cave, et ux HEARING SCHEDULED: THURSDAY, SEPTEMBER 8, 1988 at 3:00 p.m.

W. Chesapeake Avenue in Towson, Maryland as follows:

Variance to permit a side yard setback of 2 feet in lieu of the required 7 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

James R. Cave, et ux

		BALTIMORE CO	DUNTY, MARYLAND	No. ()	59109
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	e of Planning & Zonin on, Maryland 21204 353		MUOMA	\$ 58.6	3
	bert Haines Commissioner	RECEIVED FROM:	James S.	Car =	
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	Mrs. James R. C	81 Pom	y uds	4/8/81	heary
	Zion Road owne, Maryland :		B 9131	0	sists
Res	Petition for Zo CASE NUMBER: 89 W/S Zion Road,	293 N C71 OT C1908	VALIDATION OR SIGNA VELCH-CUSCHER	TURE OF CASHIER	
	Petitioner(s):	d) District - 1st Counc James R. Cave, et u .ED: THURSDAY, SEPT	x	3:00 p.m.	

Dear Mr. & Mrs. Cave:

Please be advised that _____ is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do <u>not</u> remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

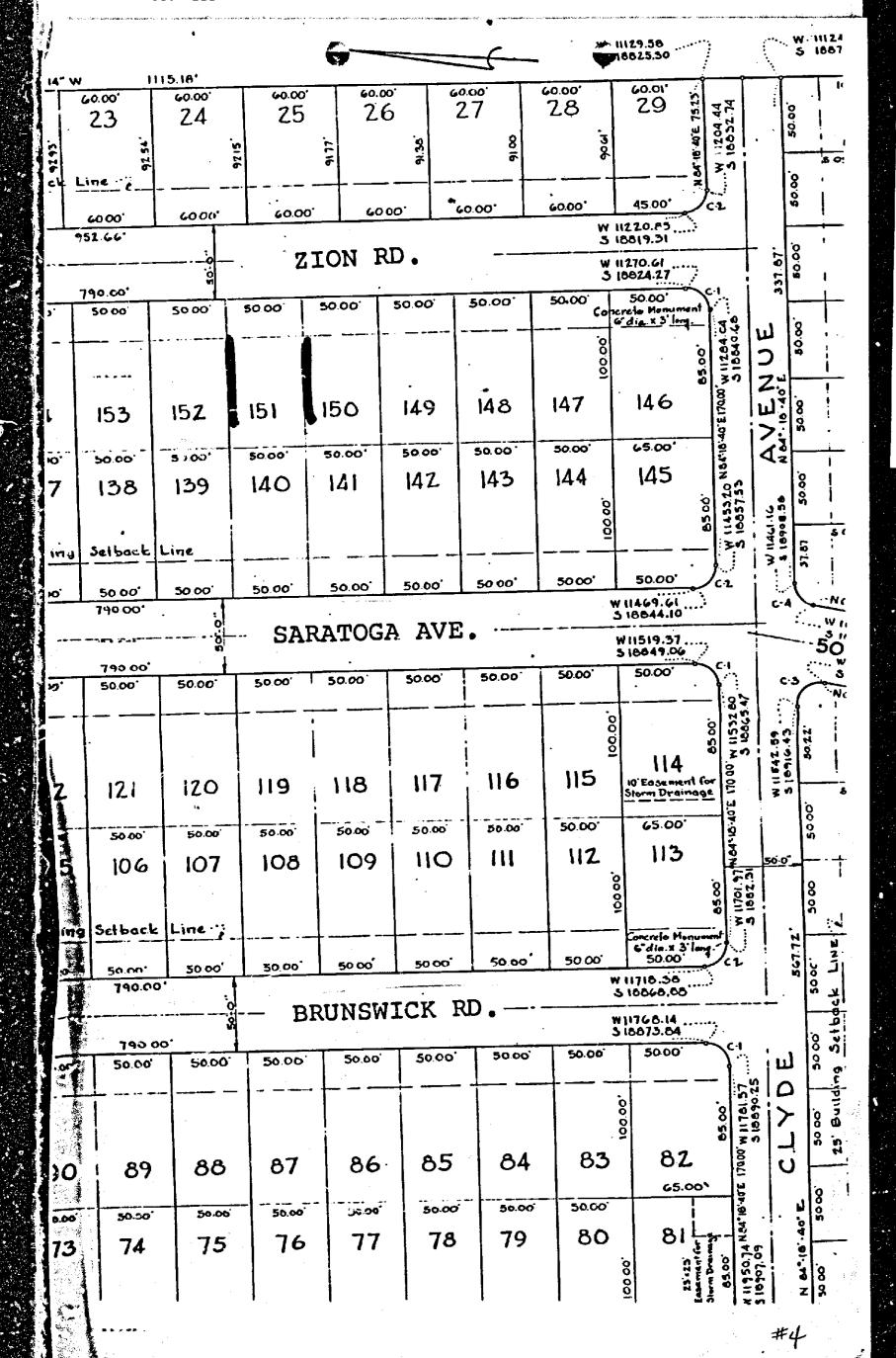
Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not

Very truly yours,

J. Robert Houses

V J. ROBERT HAINES Zoning Commissioner of Baltimore County



Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204

J. Robert Haines Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-96-A W/S Zion Road, 293' N c/l of Clyde Avenue (2420 Zion Road) 13th Election District - 1st Councilmanic Petitioner(s): James R. Cave, et ux
HEARING SCHEDULED: THURSDAY, SEPTEMBER 8, 1988 at 3:00 p.m.

Variance to permit a side yard setback of 2 feet in lieu of the required 7 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

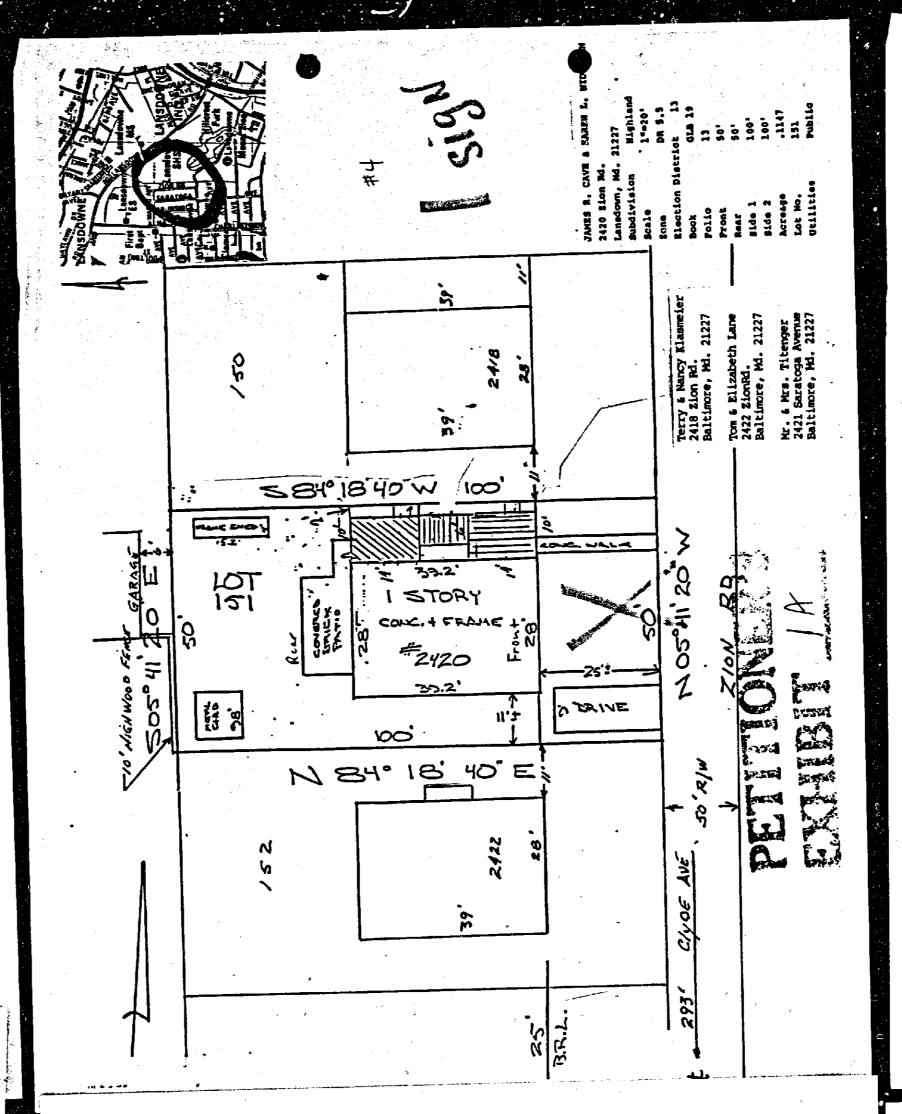
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ____ day of _____, 19₈₈ .

Petitioner's Attorney

Advisory Committee



Baltimore County Fire Department Towson, Maryland 21204-2586

Paul H. Reincke J. Robert Haines

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Re: Property Owner: James R. Cave, et ux

Location: W/S Zion Rd., 293' N. of c/1 of Clyde Avenue Zoning Agenda: Meeting of 7/19/88

Item No.:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. () 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department

of Public Works. () 2. A second means of vehicle access is required for the site. () 3. The vehicle dead end condition shown at _____

EXCEEDS the maximum allowed by the Fire Department. 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(x) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments of

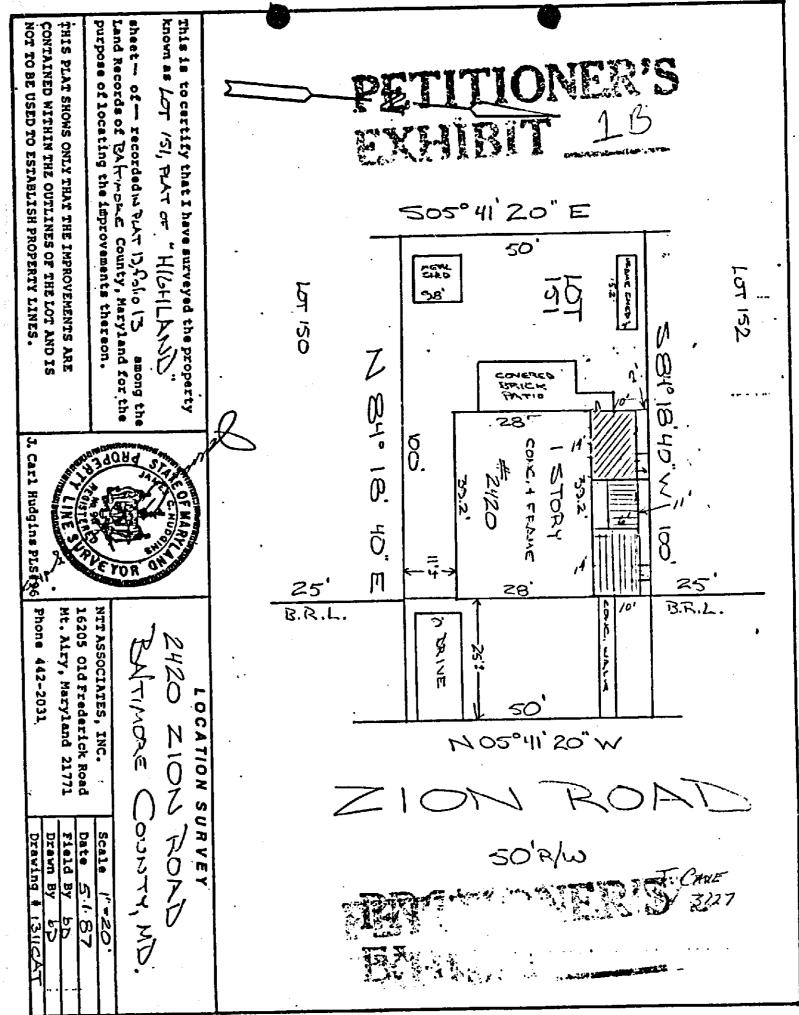
Dennis F. Rasmussen

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Bureau of Engineering

> Department of Traffic Engineering State Roads Commissio Bureau of Fire Prevention Health Department Project Planning Building Department

Board of Education Zoning Administration Industrial Development



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 29, 1988

Mr. & Mrs. James R. Cave 2420 Zion Road Lansdowne, Maryland 21227

> RE: Item No. 4 - Case No 89-96-A Petitioner: James R. Cave, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Cave:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James &. Deper lat JAMES E. DYER Chairman Zoning Plans Advisory Committee

JED:dt

